IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.GIRI

FRIDAY, THE 2ND NOVEMBER 2007 / 11TH KARTHIKA 1929

WP(C).No. 30712 of 2007(F)

PETITIONER:

K.SUGATHAN,
(RETD. DEPUTY COLLECTOR, REVENUE DEPARTMENT),
S/O. K.KESAVAN, 7/274, JWALA, THARAKKAD,
PALAKKAD.

BY ADV. SRI.VINOD KUMAR.C

RESPONDENTS:

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1. STATE OF KERALA, REP. BY
CHIEF SECRETARY, THIRUVANANTHAPURAM.

2. THE PRINCIPAL SECRETARY TO GOVT.,
REVENUE DEPARTMENT, THIRUVANANTHAPURAM.

3. THE LAND REVENUE COMMISSIONER,
PUBLIC OFFICE, THIRUVANANTHAPURAM.

4. THE DISTRICT COLLECTOR,
PALAKKAD.

5. THE REVENUE DIVISIONAL OFFICER,
THRISSUR.

BY GOVERNMENT PLEADER SRI. BIJOY CHANDRAN

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THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 02/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

V.GIRI,J.

W.P (C) No. 30712 of 2007

Dated this the 2nd November, 2007

J U D G M E N T

The petitioner retired from Revenue Department as a Deputy Collector on 30.4.2002. His grievance is that the DCRG due to him has not been disbursed so far. In the last week of April, 2002 a disciplinary action was initiated against the petitioner. Enquiry officer reported that the charges levelled against the petitioner have not been proved as evidenced by Exhibit-P1. The Government accepted the same and dropped the disciplinary proceedings against the petitioner. Yet another disciplinary action had been initiated after the petitioner's retirement and the same was also dropped finding the charges are baseless as evidenced by Exhibit-P2. In yet another proceedings, the District Collector, Palakkad fixed a liability of Rs.37,600/- on the petitioner. In appeal, the Commissioner of Land Revenue allowed the appeal and set aside the order of the District Collector, as evidenced by Exhibit-P3. In spite of these, DCRG amount due to the petitioner has not been disbursed. Petitioner approached this Court vide W.P (C`) No.18166/2006 and this Court vide Exhibit-P4 judgment directed the

Government to settle the claim of the petitioner, within six weeks.

2. Thereafter, the petitioner was required by the Revenue Divisional Officer, Thrissur to execute a bond undertaking to indemnify the Government as a condition for release of the DCRG. This was also done by the petitioner, as evidenced by Exhibit-P6, to which the petitioner's wife was also a signatory. Apparently, some defect was noted in the bond which was also rectified, on requiring the petitioner to do so. By Exhibit-P10 order, the Government accorded sanction for payment of DCRG. In spite of all these, actual disbursal of the amount has still not been done.

3. This Court on 17.10.2007 requested the Government Pleader to get instructions in this regard. On instruction, the learned Government Pleader submits that there is no further factor which restrains the respondents from disbursing the DCRG amount to the petitioner.

4. After having heard the learned counsel for the petitioner and the learned Government Pleader, this writ petition is disposed of directing the 3rd respondent to take

appropriate action to see that the DCRG due and admissible to the petitioner is disbursed forthwith, at any rate, within a period of three weeks from the date of receipt of a copy of this judgment. If such amount is not disbursed within the time frame mentioned above, the respondents will be liable to pay interest at the rate of 12% on the amount due from the date on which the three weeks time expires. It is made clear that the disbursal of the DCRG as such will not stand in the way of the Government instituting a Civil Suit, if necessary, for recovery of any loss that may have been incurred by the Government.

(V.GIRI, JUDGE)

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K.THANKAPPAN,J

CRL.A. NO.92 OF 1999

ORDER

25th May, 2007